

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of PAMELA A. NEEDHAM and U.S. POSTAL SERVICE,
POST OFFICE, San Diego, CA

*Docket No. 99-910; Submitted on the Record;
Issued July 7, 2000*

DECISION and ORDER

Before MICHAEL J. WALSH, DAVID S. GERSON,
MICHAEL E. GROOM

The issue is whether appellant has more than a 10 percent permanent impairment for each upper extremity for which she received a schedule award.

The Board has given careful consideration to the issue involved, the contentions of the parties on appeal and the entire case record. The Board finds that the February 13, 1998 decision of the Office of Workers' Compensation Programs, finalized on February 18, 1998, is in accordance with the facts and the law in this case and hereby adopts the findings and conclusions of the hearing representative.¹

By letter dated October 23, 1998, appellant requested reconsideration of the Office's decision and submitted additional medical evidence including medical reports from her treating physician, Dr. Priede dated February 20, April 6, June 10 and August 19, 1998, from Dr. Alan H. Cohen, a Board-certified internist, dated March 17, 1998, from Dr. Glenn B.C. Rankin, an orthopedic surgeon, dated June 10, 1998 and progress notes and x-ray results dated February 20 through April 9, 1998. In his March 17, 1998 report, Dr. Cohen diagnosed degenerative arthritis in the first carpometacarpal (CMC) joints and status post bilateral carpal tunnel release. He gave appellant a corticosteroid injection in her left CMC joint and proposed giving her a corticosteroid injection in the right CMC joint. In his June 10, 1998 report, Dr. Rankin stated that he gave appellant an injection in the right trapeziometacarpal joint. In her August 19, 1998 report, Dr. Priede diagnosed bilateral carpometacarpal osteoarthritis greater on the left than the

¹ In the November 5, 1996 report of Dr. Antra Priede, a Board-certified emergency medical specialist and appellant's treating physician, the rating of a 10 percent permanent impairment to each of appellant's upper extremities was proper as Dr. Priede properly used the American Medical Association, *Guides to the Evaluation of Permanent Impairment* (4th ed. 1994) in making her determination. In his February 29, 1996 report, Dr. Robert E. Scott, a Board-certified physiatrist, did not use the A.M.A., *Guides* (4th ed. 1994) in making his determination that appellant sustained a 50 percent loss to her left upper extremity and therefore his opinion is of little probative value; see *Paul R. Evans*, 44 ECAB 646, 651 (1993).

right and stated that appellant's condition had worsened based on x-rays which showed increased narrowing of the CMC joint of the thumb.

By decision dated November 16, 1998, the Office denied appellant's request for modification.

The Board finds that appellant has not established that she has more than a 10 percent permanent impairment to each of her upper extremities.

Drs. Priede, Cohen and Scott's reports dated March 17 through August 19, 1998 and the progress notes and x-ray test results appellant submitted to support her reconsideration request do not provide an impairment rating of greater than 10 percent to each of appellant's upper extremities. Further, the doctors do not use the A.M.A., *Guides* (4th ed. 1994) in their reports. In assessing an impairment for a schedule injury under the Federal Employees' Compensation Act, the A.M.A., *Guides* must be used and that applies to any additional degree of impairment appellant wishes to establish.² The additional evidence submitted therefore is of little probative value and appellant has failed to establish her claim.

The decisions of the Office of Workers' Compensation Programs dated November 16 and February 13, 1998 are hereby affirmed.

Dated, Washington, D.C.
July 7, 2000

Michael J. Walsh
Chairman

David S. Gerson
Member

Michael E. Groom
Alternate Member

² See, e.g., *Andrew Aaron, Jr.*, 48 ECAB 141, 142-44 (1996).